

Text of Proposed Amendments to
California Code of Regulations, Title 18, Section 5241

5241. Acknowledgement and Review of Requests for Innocent Spouse Relief.

(a) ~~Acknowledgment~~Review. When the Offer in Compromise Section receives a request for innocent spouse relief, it will:

(1) Send the individual requesting relief an acknowledgement letter containing the contact information for the Offer in Compromise Section, and include a questionnaire and financial statement for the individual requesting relief to complete and return.

(2) Inform the non-requesting spouse that the request has been filed and the basis for the request, and permit the non-requesting spouse to submit information to support or counter the request.

~~(3) Evaluate the merits of the request.~~

~~(4) Request additional documentation from the individual requesting relief, if necessary.~~

(b) Review. The Offer in Compromise Section will review a request for innocent spouse relief to determine whether the individual requesting relief is eligible for innocent spouse relief or other equitable relief from all the liabilities included in his or her request, as provided in California Code of Regulations, title 18, section 1705.1 or section 4903. The Offer in Compromise Section may request additional information from the individual requesting relief if necessary to complete such review, including requesting additional information in the acknowledgement letter.

(c) Written Findings. Once its review is completed, the Offer in Compromise Section will mail the individual requesting relief a letter granting or denying innocent spouse relief and other equitable relief, and explaining why such relief was granted or denied. If the Offer in Compromise Section denies both innocent spouse relief and other equitable relief as to any liability included in a request for innocent spouse relief, the letter shall include instructions about how to request reconsideration.

~~(b) Granted Request for Innocent Spouse Relief. If the Offer in Compromise Section approves a request for innocent spouse relief, it will prepare and send the individual who requested relief a letter explaining the relief that was granted.~~

~~(c) Denied Request for Innocent Spouse Relief. If the Offer in Compromise Section denies a request for innocent spouse relief, it will:~~

~~(1) Prepare and send the individual requesting relief a letter explaining why the request was denied; and~~

~~(2) If it appears that the individual requesting relief might be eligible for other equitable relief as provided in California Code of Regulations, title 18, section 1705.1, subdivision (h), or section 4903, subdivision (h), the Offer in Compromise Section will include a questionnaire and financial statement for the individual requesting relief to complete and return.~~

~~(d) Requests for Other Equitable Relief. If the individual requesting relief returns a completed questionnaire and financial statement, the Offer in Compromise Section will review the documents to see if other equitable relief is warranted using the factors provided in California Code of Regulations, title 18, section 1705.1, subdivision (h), or section 4903, subdivision (h). Once this review is completed, the Offer in Compromise Section will mail the individual requesting relief a letter granting or denying equitable relief and explaining why such relief was granted or denied.~~

Note: Authority cited: Section 15606, Government Code; and Sections 7051, 8251, 9251, 30451, 32451, 38701, 40171, 41128, 43501, 45851, 46601, 50152, ~~and 55301~~ and 60601, Revenue and Taxation Code. Reference: Sections 6456, 7202, 7203, 7261, 7262, 7270, 7657.5, 8880, 30285, 32258, 38454.5, 40105, 41099, 43159.1, 43159.2, 45158, 46159, 50112.6, ~~and 55045.1~~ and 60210.5, Revenue and Taxation Code.